

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE:) CASE NO: 20-40232
DENNIS M ROBERTS) Chapter 13
JENNIFER M ROBERTS)
) Response Due: 10/31/2024
) Hearing: 11/07/2024 11:00 am
Debtors) Location: St. Louis, Room 7 North

**NOTICE OF HEARING AND TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO
TURN OVER TAX DUE**

PLEASE TAKE NOTICE: The Motion herein is scheduled for hearing at the date and time shown above.

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY October 31, 2024. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

Comes now Diana S. Daugherty, Standing Chapter 13 Trustee, and states as follows:

1. That the above-captioned case was filed on January 17, 2020. The confirmed plan states the debtor shall send any tax refund received during the plan to the Trustee. However, Debtor may retain a portion of a tax refund to pay income taxes owed to any taxing authority for the same period as the refund. Debtor may also retain \$1250 for single filers or \$1500 for joint filers and refundable tax credits consisting of Earned Income Credit and Child Tax Credit, each year.
2. That the tax due amount to the Trustee is \$4,593.00 for 2022.
3. That the debtor has defaulted in payment of this \$4,593.00.

WHEREFORE the Chapter 13 Trustee prays that this Court enter its order dismissing this Chapter 13 case for failure to turn over tax due and for such other relief as the Court deems appropriate.

Dated: October 11, 2024

MTDTAXDUE--SS

/s/ Diana S. Daugherty

Diana S. Daugherty
Standing Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143
(314) 781-8100 Fax: (314) 781-8881
trust33@ch13stl.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on October 11, 2024, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on October 11, 2024.

DENNIS M ROBERTS
JENNIFER M ROBERTS
1272 HITCHING POST DRIVE
ARNOLD, MO 63010

/s/ Diana S. Daugherty

Diana S. Daugherty